

F. Special Provisions.

(1) Prior to the renewal or reinstatement of the current certificate, an educator certified as a school counselor shall provide one of the following:

(a) One semester hour of coursework from an Institute of Higher Education;

(b) One Department-approved continuing professional development credit; or

(c) An equivalent number of continuing education units.

(2) The coursework, professional development, or continuing education unit required by §F(1) of this regulation shall address:

(a) The need for intervention or referral in response to indicators of mental illness and behavioral distress, including, but not limited to:

(i) Depression;

(ii) Trauma;

(iii) Violence;

(iv) Youth Suicide; and

(v) Substance Abuse.

(b) The identification of professional resources and best practices for distributing resources to parents or guardians to help students in crisis.

KAREN B. SALMON, Ph.D.
Acting State Superintendent of Schools

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 15 UNFAIR TRADE PRACTICES

Notice of Proposed Action

[16-012-R]

The Insurance Commissioner proposes to:

(1) Amend Regulations .01 — .07 under **COMAR 31.15.04 Solicitation of Annuity and Deposit Fund Contracts**; and

(2) Adopt new Regulations .01 — .09 under a new chapter, **COMAR 31.15.15 Annuity Disclosure**.

Because substantive changes have been made to the original proposal as published in 43:1 Md. R. 76—83 (January 8, 2016), this action is being repropose at this time.

Statement of Purpose

The purpose of this action is to adopt the National Association of Insurance Commissioners' (NAIC) "Annuity Disclosure Model Regulation," Model MDL-245. This Model Regulation addresses many of the same issues found in current COMAR 31.15.04, but in more detail. Model MDL-245 was adopted by the NAIC in 1999 and has been amended in 2011 and 2013. Maryland's current chapter, COMAR 31.15.04, which applies to both annuities and deposit fund contracts, has not been amended since its adoption in January 1980. The NAIC Model provides more detailed requirements for annuity illustrations and conforms COMAR to the modern annuity marketplace. The purpose of this reproposal is to correct a cross-reference and to provide an exception from considering actuarial assumptions in the dividend scale formula as a nonguaranteed element for the annuity illustrations for insurers that offer both participating and nonparticipating annuities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The change to the illustration requirement for insurers that offer both participating and nonparticipating annuities in this repropose regulation will make it easier for insurers to sell participating annuities. This will have a minimal effect on the market as very few insurers offer participating annuities in Maryland.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Compliance costs	(-)	Minimal
(2) Participating annuities	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D(1). The proposed amendments will have a minimal impact on insurers that issue annuities in Maryland. Some insurers may incur additional administrative costs related to implementing the more detailed annuity disclosures required by the adoption of the NAIC Model. Larger insurers who issue annuities in the national or regional markets would likely see some cost savings, as their annuity disclosures would no longer need to be written to comply with the outdated Maryland regulations. The Commissioner does not believe that any additional costs will be significant, relative to the benefit to the insurer through the use of a national standard annuity disclosure and the benefit to the consumer of the improved disclosure that these amendments provide.

D(2). The change in the repropose regulations regarding the illustration requirement for insurers that offer both participating and nonparticipating annuities may make it easier for impacted insurers to sell participating annuities. This will have a minimal effect on the current market as very few insurers offer participating annuities.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Assistant Director, Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2007, or

email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through August 8, 2016. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. ***Arial Bold Italic*** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

31.15.04 Solicitation of [Annuity and] Deposit Fund Contracts

Authority: Insurance Article, §§2-109 and 27-202, Annotated Code of Maryland

.01—.07 (originally proposed text unchanged)

31.15.15 Annuity Disclosure

Authority: Insurance Article, §§2-109 and 27-202, Annotated Code of Maryland

.01 (originally proposed text unchanged)

.02 Applicability and Scope.

A.—B. (originally proposed text unchanged)

C. Notwithstanding [[[A(5)]]] **§A(4)** of this regulation, the delivery of the Buyer's Guide is required in sales of variable annuities, and when appropriate, in sales of other registered products.

D. (originally proposed text unchanged)

.03—.04 (originally proposed text unchanged)

.05 Standards for Annuity Illustrations.

A.—E. (originally proposed text unchanged)

F. An illustration shall conform to the following requirements:

(1)—(7) (originally proposed text unchanged)

(8) [[[The]]] **Except as provided in §M of this regulation, the non-guaranteed elements underlying the non-guaranteed illustrated values shall be no more favorable than current non-guaranteed elements and shall not include any assumed future improvement of such elements;**

(9)—(23) (originally proposed text unchanged)

G.—L. (originally proposed text unchanged)

M. An insurer is not required to consider actuarial assumptions in the dividend scale formula as a nonguaranteed element for the illustrations required by this regulation for:

(1) **Immediate annuities, if the insurer offers both participating and nonparticipating immediate annuities to applicants; or**

(2) **Deferred annuities, if the insurer offers both participating and nonparticipating deferred annuities to applicants.**

.06—.09 (originally proposed text unchanged)

ALFRED W. REDMER, Jr.
Insurance Commissioner

Title 34 DEPARTMENT OF PLANNING

Subtitle 04 HISTORICAL AND CULTURAL PROGRAMS

34.04.07 Heritage Structure Rehabilitation Tax Credit Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

Notice of Proposed Action

[16-173-P]

The Maryland Department of Planning proposes to repeal existing Regulations .01—.08 under COMAR 34.04.07 Sustainable Communities Tax Credit Certifications and adopt new Regulations .01—.09 under a new chapter, COMAR 34.04.07 Heritage Structure Rehabilitation Tax Credit Certifications.

Statement of Purpose

The purpose of this action is to incorporate into regulations statutory changes, including the program name, made during the 2016 Session of the General Assembly that are applicable to the procedural implementation of the Heritage Structure Rehabilitation Tax Credit Certification Program and to make various stylistic changes and minor edits to the regulations for the Heritage Structure Rehabilitation Tax Credit Certification Program to provide greater clarity and to conform with existing agency processes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Collin Ingraham, Administrator, Preservation Financial Incentives, Maryland Historical Trust, 100 Community Place, Crownsville, MD 21032-2023, or call 410-514-7671, or email to collin.ingraham@maryland.gov, or fax to 410-514-7678. Comments will be accepted through August 8, 2016. A public hearing has not been scheduled.

.01 Scope.

This chapter establishes procedures for certification of heritage structure rehabilitations by the Director of the Maryland Historical Trust. Certification of a heritage structure rehabilitation is an eligibility requirement for a taxpayer to claim a heritage structure rehabilitation tax credit.